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Joseph S Tripoli Thomson Multimedia Licensing Inc P O Box 5312 Princeton, NJ 08540			NATNAEL, PAULOS M	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/743,997
Filing Date: March 13, 2001
Appellant(s): MENGEL, WILLIAM HENRY

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Technology Center 2600

Jack J. Schwartz, Attorney (Reg. No. 34,721)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/3/06 appealing from the Office
action mailed 6/13/05.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 1

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and 9 based on Sparks (U.S. Pat. No. 6,034,738) and Ogino (U.S. Pat. No. 6,449,425), respectively, has been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,460,238	Knox et al.	11-2002
6,226,047	Ryu	5-2001

(In reference to the Official Notice taken in claim 9, Fig.1 discloses OSD data output from generator 109 being inserted into or mixed with composite analog video signal output by processing circuit 108).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-3, 5-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Knox et al., U.S. Pat. No. 6,480,238.

Considering claim **1**, Knox discloses a Display 190, Fig.1; (Notice the video decoder 160 and the OSD Unit 150) which would have to detect the signal including the OSD data. As such, the display would not be able to display the OSD without first detecting it as shown in Fig.3 which illustrates a displayed frame (background) and the OSD1 352 and OSD2 354 signals. Display 190 processes and displays the OSD data.

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Considering claim 2, the claimed method of wherein the OSD data is inserted into the analog video signal during non-blanking portions, is met by the disclosure that "The OSD unit can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the **active video** area." (col. 4, lines 64-66)

Considering claim 3, the claimed method wherein the non-video auxiliary data is control data, is met by the disclosure "Processor 130 performs various control functions, including but not limited to, providing control data to the video decoder 160 and OSD unit 150..." (col. 3, lines 11-14)

Considering claim 5, the claimed method wherein the non-video auxiliary data is contained in the digital video signal is met by the output of the output signal of the OSD 150, fig.1, which is a digital signal input to the D/A converter (DAC) 185.

Considering claim 6, the claimed method wherein the non-video auxiliary data is determined by the video receiver is met by the Control microprocessor which determines which data to send to the OSD 150, fig.1;

Considering claim 7, the claimed method wherein the OSD data is displayable in an overscan region, is met by the disclosure that "The OSD unit can be used to display a user defined bit map over any part of the displayable screen,

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independent of the size and location of the active video area.” (col. 4, lines 64-66)

Considering claim 8, the claimed method wherein the non-video data is wherein the video receiver provides a sync signal to the external device, is met by the disclosure that “Horizontal and vertical sync signals are separated at a separator and then used to synchronize the reading functions from memory.” (col. 1, lines 42-48)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knox et al., U.S. Pat. No. 6,480,238.

Regarding claim 4, Knox doesn't specifically disclose that the non-video data is information usually included in a blanking interval of an analog video signal.

However, Examiner takes Official Notice here in that it is notoriously well known in the art that a non-video data or information would be included in the vertical blanking interval of the video signal, for example, and therefore, it would have

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been obvious to the skilled in the art at the time the invention was made to modify the system of Knox by including or providing the non-video data in the blanking interval of the analog video signal in order for the receiver to reliably extract the non-video data from the VBI and display or transmit the same to other devices within the system, so that the active video portion would be used for the main video signal.

Considering claim 9, Knox discloses the following claimed subject matter, note;

- a) receiving a digital signal is met by decoding system 100 which receives the bitstreams 110 and 130, (fig.1).
- b) providing information usually included in a blanking interval of an analog video signal to an OSD generator, is met by OSD unit 150, fig.1, which receives the OSD data from processor 130.
- c) formatting the non-OSD control information as OSD data, is met by OSD Unit 150, fig.1;
- d) converting the digital video signal to analog video signal, is met by DAC 185, fig.1.
- f) providing the analog signal including the non-OSD control information signal formatted as OSD data to an external device, is met by DAC 185 which delivers the signal to the Display device.

Except for;

- e) inserting the OSD data into the video signal;

Regarding e), the OSD mixer 170 in fig.1 is a digital mixer. However, the Examiner takes Official Notice in that inserting OSD data into the analog video signal is notoriously well known in the art and therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Knox et al. by providing a DAC converter in the decoder 100 (in contrast to the DAC being outside the decoder) to convert the video signal into analog domain before adding the OSD data into the signal, so that the system of Knox is made more compact and able to save cost of the overall system.

(10) Response to Argument

(1) The appellant argues, "Knox et al., however, merely discloses the manipulation of data typically encoded as OSD data using an OSD header. Knox et al., are not concerned with producing a control signal after processing the information encoded in OSD format." (See Appeal Brief, page 12, 2nd paragraph)

(2) Appellant argues, "The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information of any other data or information traditionally delivered along with the video information in the blanking areas in a similar format in the non-blanked portions of the video signal for decoding by external devices." (Appeal Brief, page 13, starting on line 2)

(3) The appeal brief admits quoting (column 3, lines 46-54) that Knox et al disclose "the OSD bit may contain information relating to closed captioning and

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channel logos that are transmitted from a cable television, a video disk and the like.” (page 12, 1st paragraph) Then, the appellant alleges on page 13, 2nd paragraph of the Appeal Brief , “The system of Knox et al. neither discloses nor suggests dealing with other OSD data, such as closed captioning, extended data service, and vertical interval test signals, typically delivered in the blanking intervals of an analog video signal. While Knox et al. describe a method and apparatus for generating an OSD message by constructing an OSD bit stream defining a single field of OSD data, Knox et al. neither disclose nor suggest receiving an analog video signal including information usually included in a blanking interval formatted as OSD data” and detecting...extracting. . .and processing the information for producing a control signal” as claimed in claim 1 of the present claimed invention.”

Furthermore, the appellant (on page 16, 2nd paragraph) goes on to allege that: “As discussed above, Knox et al. are concerned with generation of an OSD bitstream and insertion of the OSD bitstream into a video signal. Knox et al. are not concerned with formatting information usually encoded in a blanking interval of an analog signal as OSD data as in the present invention. Knox et al. are not even concerned with information transmitted in the blanking interval. Knox et al. are merely concerned with providing OSD data in a video signal. The present claimed invention, however, is concerned with generating or emulating control and/or auxiliary information or any other data or information traditionally delivered along with the video information in the blanking areas in a similar format.”

[emphasis added]

Regarding argument (1), Knox et al. (hereinafter "Knox") discloses a system 100 which receives digital bit streams 110 and 120 and OSD unit 150 (fig. 1) which can be used to display a user defined bit map over any part of the displayable screen, independent of the size and location of the active video area. (col. 4, lines 64 thru col. 5, line 8). The above quoted passage clearly shows that the OSD bitstream is received in the processor 130 as non-video data designated or formatted as OSD data. The processor 130 performs further formatting as well. The mixer mixes the OSD data which data includes control information with the video data, and the D/A converter converts the signal into analog signal and outputs it to the display 190. The examiner submits, although Knox does not specifically describe the process of extracting the OSD data from the analog video signal and processing the same, it is well known in the art of display devices in general and television monitors (such as CRTs) in particular that the display device must first receive the data or image (or information such as the OSD), detect it, extract the OSD from the image signal, and then process the received (analog) signal – as shown in Fig.3 which illustrates a displayed frame (background) and the OSD1 352 and OSD2 354 signals – and display the (OSD) data in designated or appropriate space on the screen of the display device. In other words, detection and extraction of the OSD data is inherently the function of the display device 190. Those with ordinary skill in the art therefore would readily recognize that the received OSD data has to be extracted to be of any use. Because, what would be the use of an OSD data if it isn't extracted and/or displayed for the user to see and/or manipulate?! The display device 190

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would not be able to display the OSD information without first detecting it, extracting it from the analog signal as output from the DAC converter 185, and processing the same in order to display the information in a desired position of the screen of the display device. As to processing the information for producing a control signal, given a reasonably broad interpretation, the examiner submits that the output signal may be considered a control signal (such as the signal output by the DAC converter 185) to control the position of the OSD information, for example, or to display a desired message on the screen so that the message displayed may be accessed by the user with the help of a GUI and/or an input device such as a remote controller to control the system.

Regarding argument #2, in response to appellant's argument that the reference fails to show certain features of appellant's invention, it is noted that the feature upon which appellant relies (i.e., "generating or emulating control and/or auxiliary information.... in a similar format in the non-blanked portions of the video signal for decoding by external devices.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, the appellant is arguing something that is not found in the claims. That is to say, the limitation "the non-blanked portions of the video signal for decoding by external devices" is not found in either independent claim 1 or 9.

Regarding (3), what is a video signal containing information usually included in a blanking interval, if not information such as closed captioning? As is notoriously well known in the art, closed captioned data is traditionally included in the vertical blanking interval (VBI) of the television video signal. Appellant's argument in this regard is not at all understood. Nevertheless, as appellants also admitted, Knox specifically and clearly teaches, "...the OSD bit map may contain information relating to Closed Captioning and channel logos that are transmitted from a cable television, a video disk and the like." (col. 3, lines 52-54) [emphasis added] Furthermore, Knox on col. 4, lines 45-55 discloses "OSD pixel data is superimposed on the decoded image... This capability permits the display of Closed Captioning (OSD pixel data only) or the display of transparent channel logos (a combination of both OSD pixels and decoded image pixels) on a decoded image. (For further discussion on processing and displaying Closed Caption data, see col. 6, line 60 through col. 7, line 5). Hence, the examiner submits since appellants failed to further limit in the claims what is meant by "information usually included in a blanking interval of an analog signal", the closed captioned data contained in the OSD bit map in the applied reference (Knox et al.) meets the claim language as claimed in independent claims 1 and 9.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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